

REMARKS

I. INTRODUCTION

The Examiner has withdrawn the restriction requirement on claims 27, 28, 33, 39 and 40. Claims 21-24, 26-29, 31 and 33-40 have been rejected.

Applicants have amended claims 21-23, 34 and 37 and canceled claims 24, 29, 35 and 36. Accordingly, claims 21-23, 26-28, 31, 33-34 and 37-40 are presently pending in this application and in position for allowance.

Applicants respectfully request further examination and reconsideration of the application in view of the foregoing amendments and the following arguments.

II. AMENDMENT TO THE CLAIMS

Claim 21 was amended to overcome the rejection based on 35 U.S.C. § 112.

Claims 22-23, 34 and 37 have been amended to clarify the relationship between the scoring unit support and table.

Support for these amendments can be found throughout the specification and drawings. Applicants therefore submit that these amendments do not add any new matter and these claims are now believed to be allowable.

III. REJECTION OF CLAIMS 21-24, 26-29, 31 AND 33 UNDER 35 U.S.C. § 112

Claims 21-24, 26-29, 31 and 33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner points to the lack of antecedent basis of “the floor surface” for claim 21. Applicants have amended claim 21 to overcome this rejection and have canceled claims 24 and 29. Claims 22, 23, 26-28, 31 and 33 depend from claim 21 and therefore the amendment to claim 21 overcomes the 35 U.S.C. § 112 rejection of these claims as well.

IV. REJECTION OF CLAIMS 21-24, 26-39, 31, AND 33-40 UNDER 35 U.S.C. 103(A)

With respect to the rejection of claims under 35 U.S.C. §103(a): “Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the

Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143.

Claims 21, 31 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kruse, et al* (U.S. Patent No. 5,618,238) in view of *Hu* (WO 97/15213).

Claims 22-24 and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kruse* in view of *Hu*, as applied to claims 21, 31 and 33, and further in view of *Olivier* (U.S. Patent No. 5,937,210).

Claims 34-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kruse* in view of *Hu* and *Olivier*.

Applicants respectfully traverse the rejections under 35 U.S.C. § 103(a).

Kruse in view of Hu (claims 21, 31 and 33)

With respect to the rejection of claims 21, 31, and 33, Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a).

Claims 31 and 33 depend from claim 21. As noted by the Examiner, *Kruse* fails to teach that the scoring unit is rotatably located in the table as claimed by Applicants in amended claim 21. The Examiner relies upon *Hu* to teach a “scoring unit” assembly that is rotatably located in the table. However, neither *Kruse* nor *Hu* provide the suggestion or motivation to modify the teachings of *Kruse* or *Hu*, or to combine the teachings of *Kruse* and *Hu*, nor is there any indication of a reasonable expectation of success. There is no motivation in the cited art to make the changes and obtain the result disclosed in Applicants' application, namely to move the scoring unit in *Kruse* from a stand-alone unit to part of the table let alone add a rotatable base. Nor is there any motivation to change the computer system in *Hu* (separate pieces of a system capable of being hidden beneath the table) to a scoring unit. The only motivation for such a combination is in Applicants' disclosure. As such, the combination of *Kruse* and *Hu* is an impermissible combination.

Applicants respectfully submit that the rejection of Claims 21, 31 and 33 under 35 U.S.C. § 103(a) over *Kruse* in view of *Hu* is improper.

Accordingly, Applicants respectfully request reconsideration of claims 21, 31 and 33 and that the rejection of Claims 21, 31 and 33 under 35 U.S.C. §103(a) be withdrawn and the claims allowed.

Kruse in view of Hu and further view of Olivier (claims 22-24 and 26-29)

With respect to the rejection of claims 22-24 and 26-29, Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). Applicants have canceled claims 24 and 29 and will address the 103(a) rejection with respect to claims 22, 23 and 26-28.

Claims 23 and 26-28 depend from amended claim 22. Amended claim 22 depends from amended claim 21. For at least the reasons set forth above, *Kruse* and *Hu* as applied to amended claim 21 fail to teach the invention claimed in Applicants application, as noted by the Examiner, namely, a scoring unit that is rotatably located in the table. Amended claim 22 recites a table and scoring unit assembly including "a core support having a lower portion thereof abuttingly supported on an associated floor surface, and an upper portion which is pivotally connected with said base." As shown in Figure 13, the core support supports the base 123, which in turn supports the scoring unit 120. *Olivier* fails to teach a core support that is pivotally connected to and supports the base at one end and is in contact with the floor at the other end. *Olivier* teaches a top 21 "disposed on the upper end of a hollow central pedestal 23 having a vertical central bore 24 formed therein." (Col. 2, lines 26-29). Further, the central pedestal 23 in *Olivier* has a central BORE 24, not a central core. Drive shaft 42 of *Olivier* is described as follows:

The drive unit 13 further comprises a drive shaft 42 rotatably suspended by a bearing collar 47 which is dimensioned to be fixedly received in the discrete aperture 27 in the top of the lower housing element 26. The upper end of the drive shaft 42 is provided with a knurled head 43 dimensioned to be frictionally received in the knurled recess 31 in the bottom of the insert member 30 and the lower end of the drive shaft 42 is provided with a conically shaped gear face 44 that is dimensioned to engage the conically shaped gear drive element 41 to impart rotary motion to the insert member 30 in a well recognized fashion.

Olivier, Col. 2, lines 58-65. The drive shaft 42 provides rotation and cannot meet the limitation of supporting the base.

Neither *Kruse*, nor *Hu*, nor *Olivier* provide the suggestion or motivation to modify the teachings of *Kruse* or *Hu* or *Olivier*, or to combine the teachings of *Kruse* and *Hu* and *Olivier* nor is there any indication of a reasonable expectation of success. There is no motivation in the cited art to make the changes and obtain the result set forth in Applicants' claims 22-24 and 26-29. The Office argues it would have been "obvious to one of ordinary skill in the art at the time" to modify *Kruse* "by modifying one side of the table, i.e. adding an aperture and the rotatable base of *Hu* . . . to provide an assembly that occupies less floor space and that provides a base for the scoring unit that allows the unit/display to be positioned as desired by one sitting at the table or standing near the table." (Office Action, pg. 3) This motivation is not found in the art, rather, the only motivation for such a combination is in Applicants' disclosure. As such, the combination of *Kruse* and *Hu* and *Olivier* is an impermissible combination.

Applicants respectfully submit that the rejection of Claims 22-24 and 26-29 under 35 U.S.C. § 103(a) over *Kruse* in view of *Hu* and in further view of *Olivier* is improper. Accordingly, Applicants respectfully request reconsideration of claims 22-24 and 26-29 and that the rejection of Claims 22-24 and 26-29 under 35 U.S.C. §103(a) be withdrawn and the claims allowed.

Kruse in view of *Hu* and further view of *Olivier* (claims 34-40)

With respect to the rejection of claims 34-40 Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). Applicants have canceled claims 35 and 36 and will address the 103(a) rejection with respect to claims 34 and 37-40.

Claims 37-40 depend from amended claim 34. Amended claim 34 recites a table and scoring unit assembly including "a core support having a lower portion thereof abuttingly supported on an associated floor surface, and an upper portion which is pivotally connected with said base." As shown in Figure 13, the core support supports the base 123, which in turn supports the scoring unit 120. For the same reasons set forth above with regard to amended claim 22, with regard to amended claim 34, *Olivier* fails to teach a core support that is pivotally connected to and supports the base at one end and is in contact with the floor at the other end.

Further, neither *Kruse*, nor *Hu*, nor *Olivier* provide the suggestion or motivation to modify the teachings of *Kruse* or *Hu* or *Olivier*, or to combine the teachings of *Kruse* and *Hu* and *Olivier* nor is there any indication of a reasonable expectation of success. There is no

motivation in the cited art to make the changes and obtain the result noted by the Examiner. There is no support for the Office's position that "it would have been obvious to one of ordinary skill in the art at the time the invention to modify the assembly of Kruse in view of Hu by adding a support column, whit its outer top surface and central core (also the rest of the drive unit), thereon, to provide the assembly table and unit base." (Office Action, pg. 4) The only motivation for such a combination is in Applicants' disclosure. As such, the combination of *Kruse* and *Hu* and *Olivier* is an impermissible combination.

As such, Applicants respectfully submit that the rejection of Claims 34-40 under 35 U.S.C. § 103(a) over *Kruse* in view of *Hu* and in further view of *Olivier* is improper. Accordingly, Applicants respectfully request reconsideration of claims 34-40 and that the rejection of Claims 34-40 under 35 U.S.C. §103(a) be withdrawn and the claims allowed.

V. CONCLUSION

For the above-cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

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